

Harvard Charter Commission  
Public Hearing Minutes  
November 17, 2016  
Town Hall

Members present: Paul Cohen (Chair), Rick Maiore, Sharon McCarthy, George McKenna, Stephanie Opalka, Ron Ostberg, Charles Redinger, Cindy Russo  
Member absent: Peter Warren

Paul called the hearing to order at 7 p.m. Sixteen residents attended the hearing.

### **Overview**

Paul explained the process the commissioners have followed over the past six months.

They reviewed other town charters to see what is included, what is not, and what the State Legislature has approved. They got a clear understanding that a charter is not a stand-alone document, but is combined with bylaws and policies and procedures of boards to determine how the town is managed. The charter spells out the nuts and bolts of governing. The town and the Legislature approve it. The town approves bylaws. Policies and procedures are approved by the boards, committees, commissions, etc. (boards) that write them.

They met with the boards referred to in charters, such as the Board of Selectmen (BOS), Parks and Recreation Commission (P&R), Planning Board (PB), Finance Committee (FinCom) and others to better understand current processes and to hear recommendations for improvements.

Using other town charters and input from boards, the Commission issued a draft charter that documents approximately how town government currently operates for town residents to review before this public hearing. Paul said that the draft is a starting point to structure discussion. Key choices still need to be made. Example questions:

- Should there be a recall provision for elected officials?
- Should the Capital Planning and Investment Committee (CPIC) stand alone or report to FinCom?
- Should the budget belong to FinCom or the Town Administrator (TA) as some other towns have decided?
- Who should hire town employees?
  - Should the library be independent?
- Who is responsible for town building management and maintenance?
- Should there be an economic planning and development group?
- Are more resources needed?

Sharon pointed out that competing elements have to be thought through when thinking about the organization of town hall. Paul added that there need to be checks and balances, especially within financial operations.

Ron distributed a list of questions and considerations for hearing participants to consider.

#### Questions:

- Who is/Who should be responsible for maintaining the character of the Town Center
- How are/How should the Town budget – omnibus and capital – be prepared
- Who is/Who should be responsible for hiring and directing Town employees
- Who is/Who should be responsible for maintaining Town facilities and infrastructure
- How are/How should Warrant Articles be developed and presented
- How is/should land use planning be done for economic and community development

#### Considerations:

- Who establishes the performance parameters? (goals/objectives/policies/etc.)
- Who manages the process? (leadership/coordination/transparency/etc.)
- What type and level of expertise is required?

These questions were distributed in preparation for breakout discussion groups. As not enough members of the public were in attendance, breakout groups were not made.

### **Public Comments**

#### **Town Center Character**

The question about maintaining the character of the Town Center led to a discussion about town-owned land in general (town common, cemeteries, town beach, playing fields). One resident brought up the issue of town land and the several layers of responsibility across various town boards and/or committees for a particular piece of land. For example, one board may have technical jurisdiction over the land yet another board may be responsible for running programs on the land and yet a third entity is responsible for upkeep. This leads to the situation where there is no one board ultimately responsible for the stewardship of the land. For example, the BOS “owns” the town beach while P&R runs the beach programs, the harbor master is responsible for boats and DPW is responsible for upkeep. Layers of responsibility discussed included:

- Land maintenance
  - Can DPW manage maintenance for the track, beach, cemeteries, common as well as maintaining the roads and other public works physical and administrative requirements? Who sets priorities?
  - Should the work be decentralized again so P&R and cemeteries have their own funding and work to their own priorities?
- Use scheduling
  - What if several boards are involved, for example, for an event needing an entertainment or alcohol license as well as a venue?
- Approval of change made around the Common
  - Historic district
  - Tree cutting
- Lines of communication if more than one board is involved

#### **Town Facility Maintenance and Infrastructure**

Land maintenance discussions led to building maintenance questions and discussion.

- Some residents that felt the DPW director should be responsible for all maintenance and facilities.
- Some agreed that maintenance and facilities should be coordinated, but not through the DPW. An operations manager should be hired.
- One opinion was that the DPW director is responsible for roads, ditches, cemeteries, town water, etc. already and should not have to manage buildings and other facilities as well.
- Some said that school and town buildings should be managed together, others that they should be separate. In either case, the School Committee would have to agree.

Existing tools, created to direct action that has a long-term affect, are not always being used.

- The Master Plan is the top-level plan. It was created with input from all stakeholders, and should be deferred to.
- Town Center Planning reports are also available.
- Historical Memoranda of understanding signed by boards fall by the wayside and are no longer adhered to.

Other comments made about land and buildings:

- Boards and departments who are charged with responsibilities lack necessary:
  - Resources
  - Authority Training
- Number of residents willing to volunteer is declining because of the above factors as well as other issues such as poor treatment and being thwarted in their efforts. There is no easy way for residents to find the process to schedule events.
- P&R should have a recreation manager to focus on programs for the community.
- The town should hire a P&R director.

A resident raised the question of how a Memo of Understanding (MOU) fits into a charter. An MOU is agreed to by the boards it affects. Elements in an MOU can be made more binding by setting them up as bylaws, which are approved by the town. There were additional comments about MOUs:

- Some MOUs are not being followed.
- MOUs expire.
- It's important for the Commission to look at existing MOUs, particularly the one between the town and the schools relating to the Finance Director as a model for addressing other issues.
- The Charter should encourage MOUs between boards.

### **Town Budget Preparation**

One resident was uncomfortable that the budgets of elected boards were reviewed by an appointed committee (FinCom), but others thought the present structure worked well:

- FinCom sets the budget guidelines and distributes a memo to boards and committees.
- Committees work on their budgets and submit them to the Town Administrator by the deadline.

- Town Administrator reviews the budgets and asks initial clarifying questions.
- BOS reviews and approves committee budgets and any submitted warrant articles, which are then submitted to FinCom.
- FinCom reviews all submitted budgets, re-reviewing with the committees and boards as needed, and prepares the Omnibus Budget booklet for town meeting.
- FinCom makes a recommendation on each money warrant article, which is reflected in the Town Meeting booklet.

One resident questioned how the town manages the finances, saying that there is no place where the whole financial picture is reviewed and planned. Decisions should originate from the overall plan and there should be follow up to see if money was saved by the decisions made.

Other comments made on budget preparation:

- FinCom and CPIC should be separate – FinCom still has oversight
- Department heads and BOS liaisons should seek money-saving solutions and take action

Other comments/questions on the Charter process:

- Would a bylaw or the charter be appropriate for removing someone from a board for excessive absence?
- Isn't part of the charge to the Commission to decide if Harvard needs a charter? The Commission will vote on that question.

### **Wrap Up**

Paul and Ron said that the Commission wants to hear from the public about their concerns, as well as their suggestions for solving issues at [Chartercommission@harvard.ma.us](mailto:Chartercommission@harvard.ma.us).

Next meeting – December 1, 7 p.m., Town Hall 2<sup>nd</sup> floor

Paul adjourned the meeting at 9:05 p.m.

Laura Andrews, recorder